

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	FREDERICK J. KAPALA		
CASE NUMBER	08 C 50064	DATE	September 2, 2008
CASE TITLE	Eric Ware (#R-32516) vs. Guy Pierce, et al.		

DOCKET ENTRY TEXT:

The plaintiff's motion for leave to appeal *in forma pauperis* [#15] is denied pursuant to 28 U.S.C. § 1915(g). The plaintiff is ordered to pay the appellate fees of \$455.00 within fourteen days or the Court of Appeals may dismiss his appeal for want of prosecution. The clerk is directed to send a copy of this order to the PLRA Attorney, U.S. Court of Appeals for the Seventh Circuit.



■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The plaintiff, a state prisoner, has brought this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. The plaintiff claims that the defendants, officials at the Dixon Correctional Center, have violated the plaintiff's constitutional rights by denying him access to the courts.

By Minute Order of June 6, 2008, the court dismissed the case for failure of the plaintiff to remit the statutory filing fee of \$350.00 as directed. The plaintiff has filed a notice of appeal from the final judgment and seeks leave to proceed *in forma pauperis*.

The motion is denied. As discussed in multiple prior orders, the plaintiff has "struck out" pursuant to 28 U.S.C. § 1915(g) and therefore cannot proceed *in forma pauperis*, in the absence of imminent danger of serious physical injury. See Minute Orders of April 22, 2008, May 2, 2008, and July 8, 2008.

For the foregoing reasons, the plaintiff's motion for leave to appeal *in forma pauperis* is denied. The plaintiff is ordered to remit to the Clerk of the Court the \$455.00 appellate fee within fourteen days of the date of this order. If the plaintiff fails to comply with this order, the Court of Appeals may dismiss his appeal. The plaintiff is responsible for ensuring payment of the filing fees as directed by this order, and should ensure that the institution having custody of him transmits the necessary funds. Nonpayment for any reason other than destitution shall be construed as a voluntary relinquishment of the right to file future suits *in forma pauperis*. The obligation to ensure full payment of the filing fees imposed by this order shall not be relieved by release or
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STATEMENT

transfer to another prison. The plaintiff is under a continuing obligation to inform the Clerk of this Court in writing of any change of address within seven days.

Payment shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, Illinois 60604, attn: Cashier's Desk, 20th Floor. Payment should clearly identify the plaintiff's name, as well as the district court and appellate court case numbers assigned to this action.

The clerk is directed to send a copy of this order to the PLRA Attorney, United States Court of Appeals for the Seventh Circuit.